



COMMONWEALTH MAGISTRATES' AND JUDGES' ASSOCIATION

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Statement on the setting up of a tribunal to impeach Justices Dingake, Letsididi, Garakwe and Busang of the High Court of Botswana.

At its General Assembly on 19 September 2015, the Commonwealth Magistrates' and Judges' Association (CMJA) expressed its concern about the processes put in place to impeach the Justices of the High Court mentioned above.

The setting up of a tribunal must be consistent with the rule of law and the Constitutional safeguards that are afforded to everyone in the country concerned. The judiciary like other members of society may not be subjected to violations of their fundamental human rights no matter what the charges are against them. The existence of an independent and impartial judiciary is one of the cardinal features of any country governed by the rule of law. By virtue of its membership of the Commonwealth, Botswana is committed to the shared fundamental values and principles of the Commonwealth, at the core of which is a shared belief in, and adherence to, democratic principles including an independent and impartial judiciary. Any measure which is capable of being seen as eroding the independence and impartiality of the judiciary, or the fundamental rights that they are entitled to as citizens or residents of the Botswana is a matter of serious concern.

The Commonwealth (Latimer House) Principles on the Accountability of and the Relationship between the Three Branches of Government (2003) state that 'Disciplinary proceedings which might lead to the removal of a judicial officer should include appropriate safeguards to ensure fairness' that is to say, the right to be fully informed of all charges, to be represented at a hearing, to make a full defence and to be judged by an independent and impartial tribunal. The Association urges the respect for the Constitution in relation to removal of senior judges as well as the Commonwealth fundamental values which Botswana have agreed to abide by.

Commonwealth Magistrates' and Judges' Association (CMJA)
3 October 2015